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EXAMINER

MONTOYA, OSCHTA I

ART UNIT	PAPER NUMBER
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2623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/032,773	Applicant(s) HATTORI ET AL.	
	Examiner OSCHTA MONTOYA	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-63 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 33-63 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/066,758.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 33-36, 38, 40-46, 48, 51-52, 57, and 59-63 are rejected under 35 U.S.C. 102(e) as being anticipated by Ludwig et al., US 5,758,079.

Regarding claim 33, Ludwig discloses an information broadcasting system comprising:

a receiving apparatus (800-figure 18A) including image input means (500) for inputting an image of an individual creating personal data, output means for outputting the personal data (200), input means, communicating means, and digital broadcasting receiving means (Col. 6, lines 1-64);

a server (figure 21) for receiving the personal data from the receiving apparatus, transmitting the personal data to the receiving apparatus, and managing the personal data (Col. 19, line 65 to Col. 20, line 31); and

two-way communicating means for coupling a plurality of receiving apparatuses with the server (Col. 6, lines 1-64, Col. 19, line 65 to Col. 20, line 31),

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wherein the personal data is electronically exchanged among the receiving apparatuses by using the server and the two-way communicating means (Col. 6, lines 1-64, Col. 19, line 65 to Col. 20, line 31).

Regarding claim 34, Ludwig discloses a receiving apparatus comprising:
image input means for inputting an image of an individual creating personal data (Col. 6, lines 1-64);
output means for outputting the personal data (figures 2a and 2b, Col. 6, lines 59-65);
input means (Col. 6, lines 38-40);
communication means (figure 1, Col. 6, line 1-64); and
receiving means for receiving a digital broadcasting signal; and wherein
the personal data is electronically exchanged by using the communicating means, a server, and two-way communicating means (Col. 6, lines 1-64, Col. 19, line 65 to Col. 20, line 31).

Regarding claim 35, Ludwig discloses an information broadcasting system comprising:
a receiving apparatus including image input means for inputting an image of an individual creating personal data, output means for outputting the personal data, input means, and receiving means for receiving a digital broadcasting signal (Col. 6, lines 1-64);

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a gateway, including a storing device and communicating means and being connected to a plurality of receiving apparatuses, receives the personal data from the plurality of receiving apparatuses and sends the personal data to the plurality of receiving apparatuses (Col. 7, line 65 to Col. 8, line 40);

a server for receiving the personal data from the gateway, for transmitting the personal data to the gateway, and for managing the personal data (Col. 8, lines 15-25); and two-way communicating means for coupling the plurality of gateways with the server, wherein the personal data is electronically exchanged among the receiving apparatuses through the gateways by using the server and the two-way communicating means (Col. 6, lines 1-64).

Regarding claim 36, Ludwig discloses a receiving apparatus system comprising: a receiving apparatus including image input means (500) for inputting an image of an individual creating personal data, output means (200) for outputting the personal data, input means, and receiving means for receiving a digital broadcasting signal (Col. 6, lines 1-64); and

a gateway, including a storing device and communicating means and being connected to a plurality of receiving apparatuses, receives the personal data from the plurality of receiving apparatuses and sends the personal data to the plurality of receiving apparatuses (Col. 7, line 65 to Col. 8, line 40), wherein the personal data is electronically exchanged by using the communicating means, a server, and two-way communicating means (Col. 6, lines 1-64).

Regarding claim 38, Ludwig discloses the system or the apparatus according to claim 33, 34, 35 or 36, wherein the personal data and messages are transmitted to the receiving apparatus by using the digital broadcasting signal (Col. 6, lines 5-10 and 43-53).

Regarding claim 40, Ludwig discloses the system or the receiving apparatus according to claim 33, 34, 35 or wherein the personal data has auxiliary information accompanying the image of the individual creating the personal data and inputted by the individual (microphone, Col. 6, lines 38-40).

Regarding claim 41, Ludwig discloses the system or the receiving apparatus according to claim 33, 34, 35 or 36, wherein the personal data has:
auxiliary information accompanying the image of the individual creating the personal data and inputted by the individual (sound, Col. 6, lines 38-40); and
detailed information formed by the individual creating the personal data and inputted by an input device other than a terminal (figure 18a, Col. 15, lines 10-33).

Regarding claim 42, Ludwig discloses the system or the receiving apparatus according to claim 40, wherein retrieval information for retrieving personal data desired for exchange is provided by the auxiliary information (Col.18, line 60 to Col. 19, line 5).

Claim 59 is rejected on the same grounds as claim 42.

Regarding claim 43, Ludwig discloses the receiving apparatus or the receiving apparatus system, according to claim 34 or 36, wherein:
the personal data has a plurality of types of auxiliary information accompanying the image of the individual creating the personal data and inputted by the individual (video, audio, face icon, etc); retrieval information for retrieving the personal data whose exchange is desired is provided by displaying the auxiliary information; and auxiliary information to be displayed is selected (Col.18, line 60 to Col. 19, line 5).

Regarding claim 44, Ludwig discloses the system or the receiving apparatus according to claim 40, wherein the auxiliary information is an audio message (Col. 6, lines 38-40).

Claim 60 is rejected on the same grounds as claim 44.

Regarding claim 45, Ludwig discloses the system or the receiving apparatus according to claim 40, wherein the auxiliary information is an animation message (Col. 3, lines 15-28).

Claim 61 is rejected on the same grounds as claim 45.

Regarding claim 46, Ludwig discloses the system or the receiving apparatus according to claim 40, wherein the auxiliary information is selected from a plurality of regular messages (Col. 8, lines 40-54).

Claim 62 is rejected on the same grounds as claim 46.

Regarding claim 48, Ludwig discloses the system or the receiving apparatus according to claim 40, wherein the auxiliary information is a character message (Col. 15, lines 10-33).

Claim 63 is rejected on the same grounds as claim 48.

Regarding claim 51, Ludwig discloses the system or the receiving apparatus according to claim 33, 34, 35 or 36, wherein a message and a data identification code possessed by an individual desiring personal data exchange are transmitted to the individual creating the personal data selected by the individual desiring personal data exchange (Col. 22, lines 18-30).

Regarding claim 52, Ludwig discloses the system or the receiving apparatus according to claim 33, 34, 35 or 36, wherein, when a message to the individual creating the personal data from an individual desiring personal data exchange is preserved in the server (Col. 9, lines 40-53), if the individual creating the personal data is using the

receiving apparatus, notification that the message has been registered is transmitted to the individual creating the personal data in a real-time manner (Col. 22, lines 30-42).

Regarding claim 57, Ludwig discloses the system or the receiving apparatus according to claim 35 or 36, wherein most recent personal data preserved in the server is first transmitted to one of the terminal and the gateway (Col. 6, lines 10-22, Col. 9, lines 40-53).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig in view of Suh, US 5,850,265.

Regarding claim 37, Ludwig discloses the system or the receiving apparatus according to claim 33, 34, 35 or 36. Ludwig further teaches the system or the receiving apparatus has a personal data exchanging function (Col. 6, lines 1-64).

Ludwig fails to teach a communication Karaoke function.

In an analogous art, Suh teaches a Karaoke function (Col. 10, lines 56-60).

Therefore it would have been obvious to one of ordinary skill in the art to modify Ludwig's system or receiving apparatus to include a karaoke function, as taught by Suh.

The motivation would have been to give the user more applications to further enjoy the system.

5. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig in view of Bryer et al., US 4,780,757.

Regarding claim 39, Ludwig discloses the system or the receiving apparatus according to claim 33, 34, 35 or 36, wherein, when input of the personal data is completed, a data identification code usable by all users of services at a time of a retrieval of the personal data and added to the personal data (name under picture, Col. 18, line 60 to Col. 19, line 5).

Ludwig fails to disclose a password known by only the individual creating the personal data and used for a specific service is issued.

In an analogous art, Bryer discloses the use of a password to get a specific service (Col. 10, lines 26-43).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Ludwig's apparatus to include the use of a password to use the specific service, as taught by Bryer. The motivation would have been to further control who is using the service.

6. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig in view of Yoshida, US 5,517,321.

Regarding claim 47, Ludwig discloses the receiving apparatus or the receiving apparatus system according to claim 34 or 36, wherein the personal data has one of an audio message and an animation message as auxiliary information accompanying the image of the individual creating the personal data (Col. 15, lines 10-33).

Ludwig fails to teach a timing to start an input is displayed when one of the audio message and the animation message is inputted.

In an analogous art, Yoshida teaches the display of a timer to let the user know how much time is left to record (Col. 3, lines 38-45).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Ludwig's apparatus to include the use of a timer, as taught by Yoshida. The motivation would have been to give the user a visual display of the time left in order for the user to finish inputting the message.

7. Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig in view of Hashimoto et al., US 4,982,441.

Regarding claim 49, Ludwig discloses the receiving apparatus or the receiving apparatus system according to claim 34 or 36, wherein the personal data has a character message as auxiliary information accompanying the image of the individual creating the personal data (Col. 15, lines 10-33).

Ludwig fails to disclose characters are allocated to numerals of two digits when the character message is inputted, thereby enabling an input operation of the character message using only numeral keys.

In an analogous art, Hashimoto teaches characters are allocated to numerals of two digits when the character message is inputted, thereby enabling an input operation of the character message using only numeral keys (Col. 4, lines 30-55).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Ludwig apparatus to include inputting of characters by using two digits numbers, as taught by Hashimoto. The motivation would have been to give the user an alternative way of inputting characters with fewer keys in a keyboard.

8. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig in view of Stephens, US 5,707,288.

Regarding claim 50, Ludwig discloses the system or the receiving apparatus according to claim 33, 34, 35 or 36, and that the personal data is displayed by one of the receiving apparatus and the receiving apparatus system (Col. 6, lines 43-53).

Ludwig fails to teach that the data changes depending on a number of elapsed days from a date of creation.

In an analogous art, Stephens discloses that data changes as a function of time (Col. 7, lines 10-25).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Ludwig's apparatus to include the changing of data as a function of time, as taught by Stephens. The motivation would have been to have a more dynamical apparatus so the user is not going to get bored watching the same data every time.

9. Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig in view of Sudman, US 5,601,436.

Regarding claim 53, Ludwig discloses the system or the receiving apparatus according to claim 33, 34, 35 or 36, wherein a message is transmitted to the individual creating the personal data selected by an individual desiring personal data exchange (Col. 8, lines 40-55).

Ludwig fails to teach the individual creating the personal data who received the message must input a data identification code and a password to display the message.

In an analogous art, Sudman teaches the use of a code and a password to display messages (Col. 12, lines 42-62).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Ludwig's apparatus to include the use of a code and a password, as taught by Sudman. The motivation would have been to have a more secure apparatus.

10. Claim 54 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig in view of Sudman as applied to claim 53 above, and further in view of Montague et al., US 5,761, 669.

Regarding claim 54, Ludwig and Sudman disclose the system or the receiving apparatus according to claim 53.

Ludwig and Sudman fail to disclose after the message is displayed, the individual creating the personal data issues a print permission to the data identification code of the individual desiring personal data exchange.

In an analogous art, Montague discloses the use of print permissions (Col. 10, lines 28-55).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Ludwig and Sudman's apparatus to include the use of print permissions, as taught by Montague. The motivation would have been to further increase the security of the apparatus by not letting everybody print the data.

Regarding claim 55, Ludwig, Sudman, and Montague disclose the system or the receiving apparatus according to claim 54, wherein permission information is recorded into the server as additional information of the personal data (See Montague, Col. 5, lines 33-41); and the individual desiring personal data exchange prints the personal data only when the data identification code of the individual desiring personal data exchange is included in the permission information added to the personal (if a user does not have a print permission, the user cannot print See Montague, Col. 5, lines 33-41).

11. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig in view of Miller et al., US 5,920,701.

Regarding claim 56, Ludwig discloses the system or the receiving apparatus according to claim 35 or 36, wherein the gateway transmits the personal data inputted by the receiving apparatuses to the server (figure 3, Col. 7, line 65 to Col. 8, line 40).

Ludwig fails to disclose that the transmission is done collectively at predetermined period of time.

In an analogous art, Miller discloses transmitting data collectively at predetermine period of time (Col. 6, lines 8-34).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Ludwig's apparatus to include transmitting at predetermine period of time, as taught by Miller. The motivation would have been to coordinate better the distribution of data.

12. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig in view of Herz et al., US 6,088,722.

Regarding claim 58, Ludwig discloses the system or the receiving apparatus according to claim 57.

Ludwig fail to disclose a weight is added to each element of information on one of the receiving apparatus side and the gateway side and the information is sequentially and preferentially preserved according to a level of significance of the information.

In an analogous art, Herz teaches a weight added to each characteristic of a customer profile in order to maintain significant information (Col. 9, lines 40-64, Col. 25, line 60 to Col. 26 line 5).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Ludwig's apparatus in order to include a weight on the data in order to maintain significant information. The motivation would have been to prioritize the more relevant information in order to store the most significant data.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OSCHTA MONTOYA whose telephone number is (571)270-1192. The examiner can normally be reached on Monday/Friday 7:30 to 5:00 off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OM

**/Christopher Grant/
Supervisory Patent Examiner, Art Unit 2623**